

UNITED STATES DISTRICT COURT
DISTRICT OF NEBRASKA
OFFICE OF THE CLERK
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Denise M. Lucks
Clerk of Court

M. Therese Bollerup
Chief Deputy Clerk

TO: The Honorable Richard G. Kopf

FROM: Clerk, U.S. District Court
Jeri A. Bierbower

DATE: March 3, 2008

SUBJECT: 8:05cr209 USA v. Damon E. Fitzgerald

A party, who has been given permission to proceed in forma pauperis or who is financially unable to obtain an adequate defense in a criminal case, has filed a notice of appeal. Pursuant to the third paragraph of FRAP 24(a), a party may proceed on appeal in forma pauperis without further authorization unless the district judge certifies that the appeal is not taken in good faith or finds that the party is otherwise not entitled to proceed on appeal in forma pauperis. The district judge shall state in writing the reasons for such a certification or finding.

Please advise the clerk's office of how you intend to proceed so that we may process this appeal:

- xx **No order will be entered in this direct criminal appeal, and the party is permitted to proceed on appeal in forma pauperis.**
- ___ An order will be entered finding that the party is not entitled to proceed in forma pauperis.
- ___ An order will be entered, and the party is permitted to proceed on appeal in forma pauperis.
- ___ An order will be entered in this § 2254 or § 2255 case regarding certificate of appealability.

Dated this 3rd day of _March, 2008.

BY THE COURT:

s/Richard G. Kopf
United States District Judge

Additional Requirement for State Habeas or § 2255 Cases

Pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure and 28 U.S.C. § 2253 (c), the district judge who rendered the judgment shall either issue a certificate of appealability or state the reasons why such a certificate should not be issued.

Transmission of the notice of appeal to the Court of Appeals will be delayed until this court rules on the party's in forma pauperis status and the certificate of appealability.

Approved Date: 01/25/08

Forms-Appeal-Memo_IFP_Prisoner_to_Judge_Criminal

111 South 18th Plaza, Suite 1152
Omaha, NE 68102-1322
(402) 661-7350
Fax: (402) 661-7387
Toll Free: (866) 220-4381

100 Centennial Mall North, Room 593
Lincoln, NE 68508-3803
(402) 437-5225
Fax: (402) 437-5651
Toll Free: (866) 220-4379